

From: Stepp, Cathy [stepp.cathy@epa.gov]
Sent: 10/24/2018 5:15:49 PM
To: Kelley, Jeff [kelley.jeff@epa.gov]
Subject: Re: Interview request - Central Sands investigation

Looks good

Sent from my iPhone

On Oct 24, 2018, at 11:50 AM, Kelley, Jeff <kelley.jeff@epa.gov> wrote:

Cathy, here are responses that have been reviewed/approved by WD and ORC. This draft doesn't respond to the criticisms directed towards you and WDNR. However, I talked to Jim Dick yesterday and my understanding is that they have also been in touch with this reporter and have addressed some of those issues. Thoughts?

Request – Star Tribune (Josephine Marcotty) – DDL 10/25

I'm doing a story on water issues in Wisconsin, and it will include a description of the controversy around the Central Sands Dairy in Armenia. I understand the EPA has conducted monitoring of groundwater there, and I've seen the testing results you posted on the web site. They do show elevated levels of nitrate.

I'd like to know what the EPA's next steps are in this investigation. Some of the residents of Armenia said that they are waiting for the results of your testing that identifies whether the nitrate in groundwater is from fertilizer, manure, human waste or other sources. Are you going to release that publicly? If so, when? EPA has a policy of not discussing any potential enforcement. All of the sampling results from the May 2017 sampling event are posted on the website as promised. The site was updated last week and the report can be found here:

https://www.epa.gov/sites/production/files/2018-10/documents/isotope_study_report_erg_csd-may_june2018.pdf

They also say that the EPA will not release that identifying (isotope testing?) information to the public if it decides to take enforcement action against the Central Sands Dairy or other responsible party. Is that correct? If so, can you explain why would it not be made public even with an enforcement action? Isotope test results and analysis are available on the website.

And what will determine whether or not you take an enforcement action, and how long would it take if you do take such a step? EPA does not comment on whether or not it will take an enforcement action.

Several residents and their attorneys say they believe it's unlikely the EPA will take action. In part, that's because the EPA chose not to step in when residents in Kewaunee County, Wis. asked for federal intervention related to drinking water contamination by CAFOs. And they also say it's unlikely because Region 5 Administrator Cathy Stepp is the person who implemented many of the policies while at the Wisconsin DNR that have resulted in lax protection of water, including drinking water. Please see response above.

Can you respond to those two assertions? I ask because that's why many local residents are considering joining a law suit against Central Sands. They are not confident that the state or the EPA will take steps to solve the problem. And is Cathy Stepp overseeing this EPA investigation

into Armenia's drinking water contamination now? Cathy Stepp is one of several managers now overseeing EPA's investigation.

Jeff Kelley
Director, Office of External Communications
U.S. EPA Region 5
ph: 312-353-1159

From: Stepp, Cathy
Sent: Monday, October 22, 2018 2:31 PM
To: Kelley, Jeff <kelly.jeff@epa.gov>
Subject: Re: Interview request - Central Sands investigation

In writing is better. And as a response to the Keewanee county accusation in particular, it should be noted that I was the one that begin the process of working group to re-write a portion of our standards regarding manure run off in that part of the state as well as others. Nothing happened before my administration. Now, there are stricter groundwater protections in place than before.

Sent from my iPhone

On Oct 22, 2018, at 1:23 PM, Kelley, Jeff <kelly.jeff@epa.gov> wrote:

FYI ... we're working with WD to come up with responses ... my inclination is to respond in writing rather than do an interview. Will keep you looped in.

Jeff Kelley
Director, Office of External Communications
U.S. EPA Region 5
ph: 312-353-1159

From: Lippert, Allison
Sent: Monday, October 22, 2018 1:15 PM
To: Kelley, Jeff <kelly.jeff@epa.gov>
Subject: Interview request - Central Sands investigation

Please see below. The reporter requested a phone interview with someone who is familiar with the case.

Request – Star Tribune (Josephine Marcotty) – DDL 10/25

I'm doing a story on water issues in Wisconsin, and it will include a description of the controversy around the Central Sands Dairy in Armenia. I understand the EPA has conducted monitoring of groundwater there, and I've seen the testing results you posted on the web site. They do show elevated levels of nitrate.

I'd like to know what the EPA's next steps are in this investigation. Some of the residents of Armenia said that they are waiting for the results of your testing that

identifies whether the nitrate in groundwater is from fertilizer, manure, human waste or other sources. Are you going to release that publicly? If so, when?

They also say that the EPA will not release that identifying (isotope testing?) information to the public if it decides to take enforcement action against the Central Sands Dairy or other responsible party. Is that correct? If so, can you explain why would it not be made public even with an enforcement action?

And what will determine whether or not you take an enforcement action, and how long would it take if you do take such a step?

Several residents and their attorneys say they believe it's unlikely the EPA will take action. In part, that's because the EPA chose not to step in when residents in Kewaunee County, Wis. asked for federal intervention related to drinking water contamination by CAFOs. And they also say it's unlikely because Region 5 Administrator Cathy Stepp is the person who implemented many of the policies while at the Wisconsin DNR that have resulted in lax protection of water, including drinking water.

Can you respond to those two assertions? I ask because that's why many local residents are considering joining a law suit against Central Sands. They are not confident that the state or the EPA will take steps to solve the problem. And is Cathy Stepp overseeing this EPA investigation into Armenia's drinking water contamination now?

Allison Lippert
U.S. EPA Region 5
312-353-0967